

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HOME LOAN AND INVESTMENT BANK, F.S.B.,
formally known as Ocean Bank, F.S.B.,

Plaintiff,

- against -

LAUDAY, INC., et al.,

Defendants.

ORDER GOVERNING
INITIAL CONFERENCE
AND REQUIRED
DISCLOSURE

CV 09-3088 (ERK) (MDG)

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An initial conference will be held in the above-captioned case on **December 21, 2010, at 3:30 p.m.**, before Marilyn D. Go, United States Magistrate Judge, in Courtroom No. 11C at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. The parties should first check-in with Chambers in Room 1214S. All parties must be present and fully prepared to discuss any issue regarding this case, including personal and subject matter jurisdiction, venue, potential discovery disputes, insurance coverage, affirmative defenses and settlement. **Counsel for plaintiff(s) is responsible for confirming that all necessary participants are aware of this conference** and must file a report at least three days before the conference to discuss the status of any sued party that has not appeared.

PRIOR TO THE INITIAL CONFERENCE, THE PARTIES MUST COMPLY WITH THE REQUIREMENTS OF RULE 26(f) OF THE FED. R. CIV. P. AS FOLLOWS.

At least five days before the conference, the parties must discuss the matters specified in Fed. R. Civ. P. 26(f) and 16(b) and the

attached questionnaire. Counsel need not file a written report or discovery plan required by Rule 26(f)(3), but must complete and bring the attached questionnaire to the conference. Counsel must bring to the Court's attention any anticipated issues and agreements reached regarding electronic discovery, including the scope of such discovery, the preservation of electronically stored data, the cost of locating, maintaining and producing that data and the form of production. The parties should also advise whether they have reached any agreement on the procedures for assertion of privilege or of protection of trial preparation material produced in discovery.

All civil cases are subject to mandatory Electronic Case Filing (ECF). Only counsel of record registered for ECF in this district will receive electronic notices that a document has been filed via ECF. Any attorney for a party who wishes to receive ECF notices should promptly register for ECF and file a notice of appearance. The parties are warned that they will bear the consequences if they do not receive electronic notices due to counsel's failure to register for ECF and to follow ECF requirements. Registration forms and other information, including information regarding training, are available on the Court's website at <http://www.nyed.uscourts.gov>. Any attorney seeking a hardship exemption from ECF registration and filing must file an application within two weeks of the date of this order.

THE PARTIES ARE REMINDED THAT THEY MUST COMPLY WITH THE PRIVACY REQUIREMENTS OF RULE 5.2 OF THE FEDERAL RULES OF CIVIL

PROCEDURE. This Rule requires filers to limit certain information from all filed documents. All Social Security numbers, taxpayer identification numbers and financial account numbers must be redacted, except for the last four digits. In addition, initials must be used instead of the names of minor children and only the year of birth may be used.

If this case is referred to Court-Annexed Arbitration, the parties may electronically file a request in writing either to cancel the initial conference or to attend by telephone, provided they make the arrangements for a conference call. No request for adjournment will be considered unless filed at least seventy-two (72) hours before the scheduled conference and only after the parties have consulted with each other.

SO ORDERED.

Dated: Brooklyn, New York
December 2, 2010

/s/

MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE
(718) 613-2550

The parties must observe this Court's chambers rules, including the following:

*** No courtesy copies of submissions need to be provided to Judge Go if the submissions concern a dispositive motion returnable before the assigned District Judge which has not been referred to Magistrate Judge Go. If a document concerns a pretrial matter or motion to be handled by Judge Go, courtesy copies of submissions filed electronically must be provided to Magistrate Judge Go only if a submission is over ten pages OR contains more than two exhibits.**

Notice re Sealed Documents: As a result of changes in this Court's Electronic Case Filing system, parties are now able to file documents electronically under seal provided they first file a motion for leave to do so and obtain the Court's permission. The instructions and a short tutorial are available on the Court's website at:

http://www.nyed.uscourts.gov/CM_ECF/Learning_More_About_It/sealed_filing.html. In the future, any party seeking to submit a document under seal must file a short letter motion for leave to do so.

INITIAL CONFERENCE QUESTIONNAIRE

1. If not yet made, date for completion of automatic disclosures required by Rule 26(a) of the Fed. R .Civ. P.: _____.
2. Total number of interrogatories: plaintiff(s) _____ and defendant(s) _____
3. Maximum number of requests for admission: _____
4. Number of depositions by plaintiff(s) of: parties _____ non-parties _____
5. Number of depositions by defendant(s) of: parties _____ non-parties _____
6. Number of depositions exceeding 7 hours: parties _____ non-parties _____
7. Date for completion of factual discovery: _____
8. Number of expert witnesses of plaintiff(s): _____ medical _____ other (type) _____
Date(s) for expert report(s): _____ medical _____ other (type) _____
9. Number of expert witnesses of defendant(s): _____ medical _____ other (type) _____
Date(s) for expert report(s): _____ medical _____ other (type) _____
10. Date for completion of expert discovery: _____
11. Date for motion to amend pleadings by: plaintiff(s) _____ defendant(s) _____
12. Number of proposed additional parties to be joined by plaintiff(s) _____ and defendant(s) _____
Date for motion for joinder: _____
13. Counsel must confer on whether this case involves electronic discovery and any potential issues regarding discovery and disclosure of electronically stored documents, including the form or forms in which it should be produced, any limitations on the types of electronically stored information to be disclosed and the preservation of relevant information that might otherwise be destroyed under a party's routine procedures. Are there any agreements reached regarding electronic discovery or any anticipated issues?
____ Yes ____ No ____ Not Applicable
14. Counsel must discuss the procedures for assertion of claims of privilege or of protection of trial preparation material produced in discovery. Have counsel reached agreements regarding (a) treatment and disclosure of communications between counsel and experts and (b) the right of a party to assert privilege after production. ____ Yes ____ No
15. Types of contemplated dispositive motions: _____
16. Dates for filing contemplated dispositive motions: _____
17. The parties are advised that they may consent to trial, including a jury trial, before a magistrate judge pursuant to 28 U.S.C. § 636(c). If they are prepared to consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c), they may do so at the conference or later in the litigation. They should not indicate which party has declined if both sides do not consent.